

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Terry Durant)	Civil Action No. 9:14-2789-BHH
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
Warden Willie Eagleton, Nurse Smith,)	
and Unknown Doctor,)	
)	
Defendants.)	
)	

Plaintiff Terry Durant (“the plaintiff”), proceeding *pro se*, brought this action pursuant to Title 42, United States Code, Section 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial handling and a Report and Recommendation (“Report”).

This matter is before the Court on the defendants’ motion for summary judgment which was filed on October 22, 2014. (ECF No. 20.) The plaintiff filed a response to the defendants’ motion for summary judgment on December 1, 2014. (ECF No. 29.) On January 29, 2015, Magistrate Judge Marchant issued a Report recommending that the defendant’s motion for summary judgment be granted because the plaintiff failed to show deliberate indifference to his serious medical needs. (ECF No. 34 at 12.). The Magistrate Judge advised the plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. (ECF No. 34 at 14.) The plaintiff filed no objections and the time for doing so expired on February 17, 2015.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final

determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED with prejudice.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

April 8, 2015
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.